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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,784	09/09/2003	Pietro Cartella	1719-65	1821
7590	05/26/2004		EXAMINER	
John S. Egbert Harrison & Egbert 7th Floor 412 Main Street Houston, TX 77002			COLETTA, LORI L	
			ART UNIT	PAPER NUMBER
			3612	
DATE MAILED: 05/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/658,784	CARTELLA, PIETRO	
	Examiner	Art Unit	
	Lori L. Coletta	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 September 2003.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,8 and 9 is/are rejected.

7) Claim(s) 3-7 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 02122004.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **sensor means** (claims 1 and 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because reference characters **200, 202** and **210** in **Figure 1** are not legible. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

3. The disclosure is objected to because of the following informalities:

“programme” [0003] needs to be changed to --program--.

“bumper coating” [0038] needs to be changed to --bumper covering --.

“motor bonnet coating” [0038] needs to be changed to --motor bonnet covering--.

“left mudguard coating” [0038] needs to be changed to --left mudguard covering--.

“right mudguard coating” [0038] needs to be changed to --right mudguard covering--.

“a belt is foreseen 4” [0039] needs to be changed to --a belt 4 is foreseen--.

“The crossbeam always 6” [0040] needs to be changed to --The crossbeam 6 always--.

“a strut of the funnel-shaped type 7” [0040] needs to be changed to --a funnel-shaped type strut 7--.

“second set of air bags of the vertical lateral type, 8B” [0041] needs to be changed to --second set of vertical lateral type air bags 8B,--

“said pre-assembled module made from a thermoplastic material 2” [0042] needs to be changed to --said pre-assembled module 2 made from a thermoplastic material--.

“preassembled module, made from a thermoplastic material 2,” [0042] needs to be changed “pre-assembled module 2, made from a thermoplastic material,”

“the module made of a thermoplastic material 2” [0042] needs to be changed --the module 2 made of thermoplastic material--.

Appropriate correction is required.

#### *Claim Objections*

4. Claims 1-9 are objected to because of the following informalities:

Regarding claim 1, “said pre-assembled module” (lines 8 and 9) needs to be changed to --said pre-assembled frontal module--. *See same deficiency in claims 4 (line 3), 5 (line 5) and 7 (line 2).*

Regarding claims 2-9, “a vehicle” (line 1) needs to be changed to --the vehicle--.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palenchar et al. 2002/0166707 in view of Lucchini et al. 4,249,632.

Regarding claim 1, Palenchar et al. '707 discloses a structure for a front of a vehicle with deformation control for safeguard of pedestrians, said structure comprising a "soft nose" shape of a front part of the vehicle, wherein said front part is comprised of at least one interchangeable pre-assembled frontal module (42) comprised of thermoplastic material that has a motor bonnet covering, a bumper covering and a covering of the mudguards, respectively left and right side, said pre-assembled frontal module resulting hinged (44) in correspondence to the front side of the vehicle in Figure 1.

However, Palenchar et al. '707 does not show a structure for a front of a vehicle with deformation control for the safeguard of pedestrians, cooperating with a sensor means in order to detect approaching or actual impact, said structure comprising at least one air bag placed below a bonnet component.

Lucchini et al. '632 teach a structure for a front of a vehicle with deformation control for the safeguard of pedestrians, cooperating with a sensor means (7) in order to detect approaching or actual impact, said structure comprising at least one air bag (5, 5a and 5b) placed below a bonnet component (3) in Figures 1 and 3.

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the structure for the front of the vehicle of Palenchar et al. '707 with a sensor and an air bag placed below the bonnet structure, as taught by Lucchini et al. '632, in order to detect a collision and raise the front bonnet from a rest position to an impact position in which the potential for contact between the pedestrian's head and windshield are reduced.

Regarding claim 2, Palenchar et al. '707, as modified, discloses the structure for the front of the vehicle, wherein the pre-assembled front module is, at least on one side, capable of being raised by air bags placed under said module, interacting with said sensor means, maintaining a rear and frontal portion coupled.

Regarding claim 8, Palenchar et al. '707, as modified, discloses the structure for the front of the vehicle, wherein said motor bonnet covering extends lengthways, from the connection with the bumper covering almost up to a base of a windscreen of the vehicle, ending with the rear border

Regarding claim 9, Palenchar et al. '707, as modified, discloses the structure for the front of the vehicle, wherein the left mudguard and the right mudguard comprise a relative wheel arch, and an upper part that, each turned up above the corresponding wheel arch, joins to the corresponding lateral end of the motor bonnet covering.

***Allowable Subject Matter***

7. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other structures for the front of the vehicle similar to that of the current invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta  
May 19, 2004

Lori L. Coletta  
Examiner  
Art Unit 3612